

[Case 1:11-cv-02521-AJN-KNF Document 50-56 Filed 05/08/12 Page 1 of 4](#)

Referral Report

Matter ID: 082822

Description: Allegations of Unfair and Poorly Handled Separation
 Initiator: Serenity Marshall
 Subject: Jennifer Gurtov
 Store #11649

Historical Identifier:

Organization Unit: Hudson & King (11649)

Category: Partner Relations

Subcategory: Termination

Country: United States

Matter Type: Referral

Open Date: 3/1/2011

Close Date: 3/1/2011

Status: Closed

Present Responsibility: No

Disposition: Referral to PRO

Anonymous: No

Priority: C

Segment: N/A

Financial Exposure: 0.00

Source: Helpline

Recovery Amount: 0.00

Local Number: 114944720

Initiator Contacted: 3/1/2011

Manager Involved: No

Initiator Notified About Process: No

How Known: Partner Resources

Topic Tracker: N/A

Audit Committee Requested: No

Sarbanes Oxley Reportable: No

Attorney Client Privilege: No

Approval

Approved By: Kami Norris

Approved Date: 3/1/2011

Initiators/Witnesses

Name	Person Type	External Identifier	Title	Phone Number	Email	Role	Type
Marshall, Serenity	Former Partner	1088330	Store Manager	(917) 334-8699	serenitygranted6@yahoo.com		Initiator

Case Managers/Investigators

Name	Title	Phone	Case Role	Role	External Identifier	Type	Email
Mitchell, Pier	Ethics & Compliance Specialist	(206) 318-7660	Case Manager			Case Manager	pmitchel@starbucks.com

Subjects

Name	Party Type	Person Type	Title	Job Function	Phone Number	Outcome	Result	External Identifier
GURTOV, JENNIFER	Individual	Partner	DISTRICT MANAGER					282805

Narratives

Created	Created By	Type	#Attach	Narrative
3/2/2011	Norris, Kami	Status	1	<p>From: Kami Norris Sent: Tuesday, March 01, 2011 3:51 PM To: Nancy Murgalo Cc: Kami Norris Subject: RE: BEC Referral - CM 082822 / PN 1088330 / Store # 11649</p> <p>Hi Nancy ~</p> <p>Thank you so much.</p> <p>Kindest regards,</p>
3/2/2011	Norris, Kami	Status	1	<p>From: Nancy Murgalo Sent: Tuesday, March 01, 2011 3:37 PM To: Kami Norris</p>

Case 1:11-cv-02521-AJN-KNF Document 50-56 Filed 05/08/12 Page 2 of 4

Subject: RE: BEC Referral - CM 082822 / PN 1088330 / Store # 11649

Hi Kami - you may have gotten my out-of-office message, but I was able to reach Serenity this evening and explained the termination to her.

3/1/2011	Norris, Kami	Closing	2	<p>From: Kami Norris Sent: Tuesday, March 01, 2011 2:01 PM To: Nancy Murgalo Cc: Kami Norris Subject: BEC Referral - CM 082822 / PN 1088330 / Store # 11649 Importance: High</p> <p>Hi Nancy ~</p> <p>I hope you are doing well.</p> <p>The attached Compliance Matter 082822 is from a recently separated store manager alleging her separation was unfair and poorly handled. Based on these concerns, the report is being forwarded to you for investigation.</p> <p>The Compliance Matter will be closed in the BEC case management system and we do not require follow-up from you. If you have received this report in error, please reply to this email with an explanation of why you do not believe this is within the scope of your investigation responsibility.</p> <p>Kindest regards,</p>
3/1/2011		Initiator Contact	0	On 03/01/11 at 1:55pm, I (Kami Norris) called and spoke with Serenity Marshall. I thanked Serenity for her report, and let her know that based on the nature of her concerns, her report will be forwarded to Partner Resources Manager Nancy Murgalo for investigation. I informed Serenity that Nancy would reach out to her directly. I also encouraged Serenity to call the Business Conduct Helpline back if she had any additional questions or additional information prior to hearing from Nancy.
3/1/2011		Call Center Communications	0	<p>Call Date: 3/1/2011 2:37 PM</p> <p>Caller, MARSHALL, reported on 12/23/10, District Manager, Jen GURTOV came to the location and they sat down to review the Daily Records Book. This is something that they do once every two months or so and the purpose is to review how the store is being run. They discussed two items that day, one involved MARSHALL taking the deposit to the bank the day after as opposed to the day of the deposit. She was unaware of the policy and explained that sometimes she got very busy and would sometimes miss the bank, however, she always made sure the money was counted and secure for deposit the following day when that happened. She has never had any discrepancy with the deposit. The other issue they discussed is that MARSHALL accidentally wrote the wrong date once in the log book (the date was a day off but the deposit slip was accurate). GURTOV advised MARSHALL of how important it was to make sure these issues were addressed and MARSHALL was of the understanding that the issues were correctable, she'd been coached and this was the end of it. GURTOV did not write her up or discipline her in any way other than to provide verbal instruction. MARSHALL worked until 1/4/2011 without any issues then went on an approved leave (FMLA) on 1/5/11 to have surgery. She came back to work on 3/1/11. She returned today and was told to report to the office by GURTOV, who then advised she was being terminated. District Manager, Mike UNKNOWN was present and served as a witness. The separation notice GURTOV presented stated that MARSHALL admitted to falsifying the Daily Log and that she committed cash policy violations. MARSHALL did not sign the form because she did not falsify anything. To falsify implies intent to deceive and she merely recorded the date a day off which is simply human error, no more, no less. MARSHALL contends that making the deposits a day late violated policy but is not the same as mishandling cash. She but was hurt, blind-sided and shocked by GURTOV's actions but had no further dialogue and simply left. MARSHALL has two concerns that she'd like addressed with urgency. She stated that although she did something wrong, she been a Partner for ten years and has never had a violation of any sort. As Store Manager, she could not fire anyone for a first occurrence unless it involved theft. There is a procedure to be followed which involves a warning and series of write ups before termination. Again, she pointed out that she has not been accused of mishandling money, only a policy violation so why does the punishment seem so severe for the infraction. Not to mention, GURTOV allowed her to work for 15 days after they met, then go out for an approved medical leave only to terminate her the first day back from medical leave. The whole issue seems suspicious to her. GURTOV framed the conversation to give the impression that the issues from the December visit was the reason for termination but MARSHALL does not know what to believe. She was basically terminated without any previous documentation of any wrongdoing. She was not even suspended so she does not understand what's going on. The day she met with GURTOV back in 12/10, GURTOV left as she was in the midst of preparing a deposit and saw her handling money at that very moment but said nothing of pending disciplinary action. MARSHALL feels her job should be re-instated immediately. She could have accepted a warning even if it was a last warning for the infractions. She cannot accept the termination without further explanation of her concerns. She is asking to be contacted as soon as possible.</p>
3/1/2011		HelpLine Notes	0	Client Instructions: No callback arrangements have been made for this individual. The caller has provided his/her name and number indicating an interest in discussing this matter with a company representative. Please contact the caller as soon as possible.

When Happened: 12/23/10 AND 3/1/11

Case 1:11-cv-02521-AJN-KNF Document 50-56 Filed 05/08/12 Page 3 of 4

Location: Hudson & King
345 Hudson St.
New York, NY 10014 USA

Location Site: AT STORE LOCATION

3/1/2011	HelpLine Questions	0	Question: May I have your partner ID? Answer: 1088330
			Question: How did you hear about this resource? Answer: Partner Resources
			Question: Name appears as a reported party. Answer: No Match
			Question: If you are age 18 or older, would you be willing to complete a confidential, online survey describing your experience with the Helpline? If so, research staff from NYU will email you after your report file has been closed. Answer: YES
			Question: At what e-mail address would you like to be contacted? Answer: serenitygranted6@yahoo.com
			Question: Please enter email address from caller tab. Answer:
			Question: Please enter phone number from caller tab. Answer:
			Question: How was the report information received? Answer: Phone Call

From: Kami Norris
Sent: Tuesday, March 01, 2011 3:51 PM
To: Nancy Murgalo
Cc: Kami Norris
Subject: RE: BEC Referral - CM 082822 / PN 1088330 / Store # 11649

Hi Nancy ~

Thank you so much. ☺

Kindest regards,

Kami

From: Nancy Murgalo
Sent: Tuesday, March 01, 2011 3:37 PM
To: Kami Norris
Subject: RE: BEC Referral - CM 082822 / PN 1088330 / Store # 11649

Hi Kami – you may have gotten my out-of-office message, but I was able to reach Serenity this evening and explained the termination to her.

Nancy

From: Kami Norris
Sent: Tuesday, March 01, 2011 5:01 PM
To: Nancy Murgalo
Cc: Kami Norris
Subject: BEC Referral - CM 082822 / PN 1088330 / Store # 11649
Importance: High

Hi Nancy ~

I hope you are doing well.

The attached Compliance Matter 082822 is from a recently separated store manager alleging her separation was unfair and poorly handled. Based on these concerns, the report is being forwarded to you for investigation.

The Compliance Matter will be closed in the BEC case management system and we do not require follow-up from you. If you have received this report in error, please reply to this email with an explanation of why you do not believe this is within the scope of your investigation responsibility.

Kindest regards,

Kami